

INITIAL STUDY

PROJECT FILE NO.: H07-030

PROJECT DESCRIPTION: Site Development Permit to allow the demolition an existing single-family residence, tank house and associated accessory structures and the construction of a 133,250 s.f. mini-storage facility, including a manager's residence, on a 4.42 gross acre site

PROJECT LOCATION: Northwesterly corner of Curtner Avenue and Stone Avenue

EXISTING GENERAL PLAN DESIGNATION: Heavy Industrial

EXISTING ZONING: HI Heavy Industrial

SURROUNDING LAND USES / GENERAL PLAN / ZONING:

North: Industrial/Heavy Industrial/IP Industrial Park

South: Residential/Multi Family Residential (24-40DU/AC)/A(PD) Planned Development

East: Commercial/General Commercial/IP Industrial Park and CN Neighborhood Commercial

West: Industrial/Heavy Industrial/IP Industrial Park

PROJECT APPLICANT'S NAME AND ADDRESS: Extra Space Storage
2795 E Cottonwood Parkway,
Salt Lake City, UT, 84121

DETERMINATION

On the basis of this initial study:

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are included in the project, and further analysis is not required.

Date

Signature

Name of Preparer: Chris Burton

I. AESTHETICS

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Aesthetics - Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
e) Increase the amount of shading on public open space (e.g. parks, plazas, and/or school yards) ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Discussion

The project would replace a one-story single family home, a tank house, two garages and two barn structures from the front portion of the site, and a number of existing industrial metal storage buildings from the rear of the site. Given the degraded visual character of the area and the current condition of the site, the replacement of existing buildings and pavement with a new self storage facility would not adversely impact the existing visual character or quality of the site and its surroundings. The project would require the removal of sixty-five (65) trees on the site; however, additional landscaping is proposed along project frontages as partial replacement of these trees.

Exterior lighting is proposed, where needed, for security and access. All proposed outdoor lighting would conform to the City's outdoor lighting requirements. The project does not propose any major sources of glare. The project would not result in significant lighting/glare impacts.

Findings:

The project site is located in central San Jose and is not within any City or state-designated scenic routes. The project would not impact any scenic vistas or scenic resources.

The proposed project would alter the existing visual character of the site and its surroundings through various means including the demolition of existing agricultural and industrial buildings and the construction of mini-storage facility. However, the proposed project would not significantly degrade the existing visual character of the site in that the project would be required to undergo architectural and site design review by Planning Staff to ensure compatibility with the surrounding neighborhood.

Exterior building and parking lot lighting associated with the new development would likely create a minor increase in the amount of nighttime lighting compared to the existing land use on the site, however it would not adversely affect views in the area. The project would be required to conform to the City's Industrial Design Guidelines and to the standards of the City's Outdoor Lighting Policy. Therefore, less than significant impacts would occur as a result of the project.

STANDARD MEASURES: The project shall implement the following standard measure(s):

- Design of the project shall conform to the City's *Industrial Design Guidelines*.
- Lighting on the site shall conform to the City's Outdoor Lighting Policy (4-3).

II. AGRICULTURE RESOURCES

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Agricultural Resources - Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

Discussion:

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, “agricultural land” is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as “urban/built-up land” on the Santa Clara County Important Farmlands Map (2006).

Findings:

The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City’s or Region’s agricultural resources.

III. AIR QUALITY

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Air Quality - Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,14
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

Discussion:

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The BAAQMD develops and enforces air quality regulations for non-vehicular sources, issues permits, participates in air quality planning, and operates a regional air quality monitoring network. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental

Protection Agency and the California Air Resources Board (CARB) have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter.

The Federal Clean Air Act and the California Clean Air Act require that the state air resources board designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas," based on air quality monitoring data. Due to differences between the national and state standards, the designation of nonattainment areas varies under federal and state legislation. The Bay Area Air Basin is currently classified as a non-attainment area for the state ozone standard. For particulate matter less than 10 micrometers in diameter (PM₁₀) and particulate matter less than 2.5 microns in diameter (PM_{2.5}), the Bay Area Air Basin is currently designated as a non-attainment area for the state standard. All other pollutants are designated as attainment or unclassified for federal standards and as attainment for the state standard.

The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will generate approximately 338 vehicle trips per day, no air quality study was prepared for this project.

Findings:

Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

MITIGATION MEASURES: The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- Enclose, cover, water at least twice daily, or apply not-toxic soil binders to exposed stockpiles (dirt, sand, etc.) to prevent visible dust from leaving the site;
- Limit traffic speed on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
- Install wind breaks, or plant trees/ vegetative wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activities when winds instantaneous gusts exceed 25 mph; and
- Limit the area subject to excavation grading, and other construction activity at any one time

IV. BIOLOGICAL RESOURCES - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Biological Resources - Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11, 25
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Discussion:

The project site is located within an urbanized area of San Jose. The existing property contains a variety of industrial and agricultural buildings, and a mixture of disturbed and paved surfaces. Vegetation on the site is limited to shrubs and overgrown turf areas associated with the existing residential structures. There are currently sixty-five (65) trees on the site, ranging from six inches to 122 inches in circumference. The proposed development will result in the removal of all sixty-five (65) trees, twenty-five (25) of which are ordinance-sized trees.

The project site may provide very limited habitat for wildlife species associated with urban areas. Shrubs could provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. Urban landscape areas may also provide limited habitat for small mammals. The project site is almost entirely developed with buildings and pavement and has a low value for wildlife, due to the highly disturbed nature of the property and high human activity levels surrounding the site.

Trees in urban areas provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. In addition, mature trees on the project site may provide nesting habitat for raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. Although no raptors or nests were observed on the site, mature trees suitable for raptor nesting occur on the site. Despite the disturbed nature of the site, there remains the potential for raptors to nest in these trees. No other rare, threatened, or endangered animal species were observed on the project site, nor are any expected to occur since the area is generally developed.

The project site contains 65 trees, as presented in the report prepared by Walter Levison, Consulting Arborist, in Appendix B. Ordinance-sized trees are considered sensitive resources. The City of San Jose's Municipal Code (13.32.20.I) serves to protect all trees, including any live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (i.e., 18 inches in diameter) at the height of 24 inches above the natural grade slope. Based on this criterion, the project site contains 25 ordinance-sized trees. Of these 25 ordinance-sized trees, 8

are native species (trees #2, 27, 41, 42, 48, 61 and 64 are Northern California Black Walnut and tree # 42 is a Coast Live Oak). Per the City's guidelines, a typical threshold level of significant impact is the removal of 10 ordinance size native trees, or 20 ordinance-sized non-native trees from a site. This project proposes the removal of 25 trees from the subject site and therefore may be considered a significant impact unless mitigation is incorporated.

City-designated heritage trees are considered sensitive resources. A heritage tree is any tree located on private property, which because of factors including (but not limited to) its history, girth, height, species, or unique quality, has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove or destroy heritage trees. There are no City-designated heritage trees on the project site.

Findings:

The City of San José has established regulations for removal of landscape trees at least 56 inches in circumference measured two feet above grade. The proposed project will obtain a permit for the removal of ordinance-sized trees and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance. It should be noted that per City policy, plantings for impacts to riparian habitat do not count towards the mitigation for removal of trees outside of the riparian area. There are currently sixty-five (65) trees on the site, ranging from six inches to 122 inches in circumference. The proposed development will result in the removal of all sixty-five (65) trees, twenty-five (25) of which are ordinance-sized trees.

MITIGATION MEASURES:

- Trees to be removed shall be mitigated at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container
x:x = tree replacement to tree loss ratio				
Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.				

The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

1. The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
2. An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.
3. A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for

off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

- **Raptors.** If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.
- **Bats.** Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to any building demolition or removal, construction activities or Oak tree relocation and/or removal. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31 and before March 1). If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion. Bat roosts should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG. A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

V. CULTURAL RESOURCES

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Cultural Resources - Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7, 26
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,8, 26

Discussion:

The following discussion is based upon a cultural resources evaluation completed by Archaeological Resource Management on January 17, 2008. As the report may discuss that location of specific archaeological sites, it is considered administratively confidential and is not included in this Initial Study. Qualified personnel may request a copy from the City's Planning Division located at 200 East Santa Clara Street, Floor 3, during normal business hours.

Archival research completed as part of the above mentioned cultural resources evaluation revealed that there are no recorded sites within the project area. Five previously recorded sites are located within one-half mile of the subject site, one of which is a prehistoric habitation site with human remains. Several structures of historic age are located on the property; these structures were evaluated in a separate report as described below. No additional traces of cultural materials, prehistoric or historic, were noted during surface reconnaissance. However, surface visibility was poor. In general, the lands of Santa Clara Valley are well known for having numerous buried archaeological deposits. This general region has revealed prehistoric material found buried beneath alluvial soils. Most of these sites have been found during archaeological testing, archaeological monitoring, and construction excavation. In addition, there is a potential for subsurface deposits associated with historic occupation of the property to be present.

On November 19, 2007, a historic evaluation of the property was completed by Robert Cartier of Archaeological Resource Management. This investigation determined that one structure, the tank house, on the property is potentially significant. This property is not currently listed in the National or California Registers, and does not appear eligible for listing. The property did however receive a score of 47.88 on the San Jose Inventory Evaluation form, identifying it as a Structure of Merit and eligible for inclusion on the Historic Resources Inventory. The proposed project includes the demolition of all structures on site to allow the construction of the self storage facility. As part of the proposed project the tank house would have to be removed from the property. The project was presented to the City's Historic Landmarks Commission on March 5, 2008. The Commission asked that the applicant work with staff to pursue the possibility of preserving the tank house in its current location by displacing the front corner of the main building of the project. Following further analysis, it was made apparent that the project could not be designed to accommodate the structure in its current location. The Commission did not require the addition of the structure to the Historic Resources Inventory.

Findings:

Due to potential for subsurface historic deposit, and the proximity of a recorded prehistoric site, the proposed project has the potential to cause a significant impact unless mitigation is incorporated.

The building and site do not appear to qualify for listing on the National Register of Historic Places (NRHP) and/or California Register of Historical Resources (CRHR), or on the Historic Resources Inventory as a Candidate City Landmark or Contributing Structure to a City Landmark Historic District. As such, demolition to accommodate future development at the site would not have a significant effect on the environment as defined by the CEQA Guidelines Section 15064.5.

MITIGATION MEASURES:

Archaeology

There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.

- 1) If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
- 2) If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)
- 3) In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to

Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

- a) In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- b) A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

VI. GEOLOGY AND SOILS

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Geology and Soils - Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24

Discussion:

The site is not located within a Geologic Hazard Zone or Liquefaction Zone. However, the project site is located within the seismically active San Francisco region, which requires that the building be designed and built in conformance with the requirements of the 1997 Uniform Building Code for Seismic Zone 4.

Findings:

The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. As the project includes these required measures, the potential for seismic impacts will be less than significant.

STANDARD MEASURES:

- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).

VII. HAZARDS AND HAZARDOUS MATERIALS

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Hazards and Hazardous Materials - Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 27, 28
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Discussion:

Development of the proposed project will require the demolition of existing industrial, residential and agricultural buildings on the site, which may contain asbestos building materials and/or lead-based paint. Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint.

A Phase I Report was prepared for the site by EEI. A copy of the report, entitled Phase I Environmental Site Assessment, dated March 9 2007, is contained in the technical appendices of the Initial Study. The following discussion presents a summary of the findings and conclusions of the report.

The Phase I Assessment included the following tasks: 1) site inspection, 2) search of files from the San Jose Building Division (SJBD), the San Jose Fire Department (SJFD), and the Santa Clara County Department of Environmental Health (SCCDEH), 3) review of historic aerials and maps of the area, 4) a regulatory database search, and 5) interviews with the site owner/manager.

The project site is currently developed for residential and industrial uses. The property is currently occupied by two residential units, several garages, a barn, several sheds, and several portable trailers. Based on historical records such as aerial photographs, topographic maps, and city records, the subject property was developed with fruit tree orchards from prior to 1939 until the 1960s. The subject property has been utilized for its current purposes (residential and industrial) from at least the 1970s.

The Phase I Assessment concluded that property uses on several of the tenant leases have resulted in releases or possible releases of petroleum hydrocarbons and related substances into near-surface soils. These include the former Tree Service (northwest corner of the property), the vacant storage yard in the southwest portion of the property, the Jeschke Lease, the Schrader Lease, the former Dave's Paving Lease, the Mail Haul Lease, and the former junk yard (located in the southern portion of the site). In addition, the property owner has indicated that a gasoline UST was removed from the site in 1985. The tank was located in the northern portion of the current Glen Bothwell lease area. Records indicate that the tank was either 5,000-gallons or 10,000-gallons. There is reference to a plan to collect soil samples; however there is no indication that these samples were collected. Based on the potential impacts to the soil beneath the site, the consultant recommended that a soil investigation be conducted at the property. In addition, the principle structures on site were built prior to the 1970s, and the presence of asbestos containing materials and lead based paint in considered likely. The consultant also recommended that an ACM/lead survey be conducted by a certified inspector, to evaluate possible mitigation.

A subsequent memorandum prepared by EEI, dated June 25, 2007, presented the results of soil investigations on the subject site. The memorandum recommended the removal of impacted soil be conducted prior to grading operations at the site to assure that reworked/recompacted soil does not contain elevated concentrations of the contaminants of concern. These include chlordane, lead, and TPH-MO. The estimated depth of excavation required is approximately 2 feet in all impacted area, except in the vicinity of HA-11, which is estimated at approximately 3 feet, and the surface drains, which is estimated at 3 feet below the base of drains. Based on the results of the subsequent sampling, the revised gross estimate of soil volume requiring excavation and removal is 430 cubic yards or 650 tons.

Findings:

Due to potential for reworked/recompacted soils containing elevated concentrations of contaminants of concern, the proposed project has the potential to cause a significant impact unless mitigation is incorporated.

STANDARD MEASURES:

- In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.

All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may

disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

MITIGATION MEASURES:

- Prior to the issuance of Public Works clearance, a remediation program for the on site soil removal shall be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement, the Environmental Services Department (ESD) and the Regional Water Quality Control Board. The applicant shall implement the approved plan to the satisfaction of the Director of Planning. Actions shall include, but will not be limited to verification of suitability for development by documentation of the quality of soil used to replace excavated soils.
 - Removal of impacted soil should be conducted prior to grading operations at the site to assure that reworked/recompacted soil does not contain elevated concentrations of the contaminants of concern as detailed in the EEI Geotechnical & Environmental Solutions Memorandum dated June 25, 2007. The estimated depth of excavation required is approximately 2 feet in all impacted areas, except in the vicinity of HA-11, which is estimate at approximately 3 feet, and the surface drains, which is estimated at 3 feet below the base of the drains.

VIII. HYDROLOGY AND WATER QUALITY

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Hydrology and Water Quality - Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 29
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Discussion:

Flood

Based on the FEMA flood insurance maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows.

Water Quality – During and Post-Construction

The discharge of stormwater from the City's municipal storm sewer system is regulated primarily under the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. New construction in San Jose is subject to the conditions of the City's NPDES Permit, which was reissued by the RWQCB in February 2001. Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as "C3" requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 sq ft or more to 1) include storm water treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of storm water runoff from the project site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained.

The City has developed a policy that implements Provision C.3 of the NPDES Permit, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City's Post-Construction Urban Runoff Management Policy (6-29) established general guidelines and minimum Best Management Practices (BMPs) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. Later, the City adopted the Post-Construction Hydromodification Management Policy (8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Implementation of these policies will reduce potential water quality impacts to less than significant levels.

The proposed project is 4.4 gross acres in size. The site is currently covered with 62,141 sq. ft. of impervious surface. The proposed project will add 116,066 sq. ft. of impervious surface for a total impervious surface of 178,207 sq. ft.

The project is proposing installation of numerically sized catch basin inserts and dry wells to reduce pollutant discharges for the subject site. The property owner will be responsible for regular maintenance of these facilities. Maintenance will include inspection and cleaning of grate inlets 3 times a year, and replacement of the filter medium once a year. The dry wells will be constructed with manhole lids. This will allow access to the dry well for visual inspections every three months. Any trash, sediment or debris encountered during inspection will be removed.

The project shall comply with the City of San Jose's Grading Ordinance, including erosion and dust controls during site preparation, and with the City of San Jose's Zoning Ordinance requirement of keeping adjacent streets free of dirt and mud during construction.

Findings:

The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami.

STANDARD MEASURES: Implementation of the following measures, consistent with NPDES Permit and City Policy requirements, will reduce potential construction impacts to surface water quality to less than significant levels:

Construction Measures

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
 1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
 2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.
- The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
 1. Restriction of grading to the dry season (April 15 through October 15);
 2. Utilize on-site sediment control BMPs to retain sediment on the project site;
 3. Utilize stabilized construction entrances and/or wash racks;
 4. Implement damp street sweeping;
 5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
 6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction

- The project will implement the following Source Control Measures to the satisfaction of the Director of Planning, Building and Code Enforcement:
 1. All on-site inlets will be clearly stenciled "No Dumping – Flows to Bay"
 2. All on-site storm drains will drain to the proposed dry wells. Landscape areas will be designed to propose infiltration by depressing the landscape area 3" below any inlet structure.
 3. Roof drains will drain to the onsite storm drain system which will be treated by the dry wells.
 4. Parking areas will be swept and kept free of litter on a regular basis to prevent trash, debris and sediment from flowing into the storm drain system.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.

- The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.

IX. LAND USE AND PLANNING

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Land use and Planning - Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Discussion:

The subject site is designated Heavy Industrial on the San José 2020 General Plan Land Use/Transportation Diagram and is zoned HI Heavy Industrial. Self Storage is a permitted use within the HI Heavy Industrial Zoning District and appropriate with the Heavy Industrial General Plan designation.

Findings:

The proposed project will not physically divide an established community, and the project is consistent with the site's General Plan Land Use designation. The proposed project complies with setbacks required by the City of San José Industrial Design Guidelines in order to avoid possible impacts to surrounding land uses.

X. MINERAL RESOURCES

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Mineral Resources - Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

Discussion:

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past

century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

Findings:

The project site is outside of the Communications Hill area, and will therefore not result in a significant impact from the loss of availability of a known mineral resource.

XI. NOISE

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Noise - Would the project:					
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,13,18, 30
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 30
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Discussion:

The San Jose 2020 General Plan states that the City's acceptable exterior noise level is 55 DNL long term for residential uses, and 60 DNL short term. The acceptable interior noise level is 45 DNL. The plan recognizes that the noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and the Mineta San Jose International Airport.

David Wieland of Wieland Associates prepared a Site Environmental Noise Study for the subject site on December 10, 2008. The noise study is contained in the technical appendices. Based on measurements of existing noise levels, the exterior noise level at the site varies from 69 and 71 dB.

Noise Impacts from the Project

The maximum acceptable noise level for stationary sources is 55dBA DNL between commercial/industrial land uses and residential land uses (measured at the property line), however, there are no stationary noise sources related to this project.

The project will not result in any increase to existing exterior noise levels; however noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal.

Noise Impacts to the Project

The report concludes that the mitigation measures contained below could achieve an interior noise level of 45 DNL at the manager's residence, with windows closed. Mechanical ventilation of individual units must be provided to allow windows to remain closed so that they will attenuate exterior noise levels. As stated above, the General Plan recognizes exterior noise levels may not be achievable in the vicinity of major roadways.

Findings:

Due to the potential of exposure of the manager's residence to exterior noise levels, the proposed project has the potential to cause a significant impact unless mitigation is incorporated.

STANDARD MEASURES:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

MITIGATION MEASURES:

- Prohibit unnecessary idling of internal combustion engines.
- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.
- The manager's residence shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
- As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the unit by 25 DNL.
- Install windows and glass doors so that the sliding window and glass door panels form an air-tight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.

- All window assemblies in the manager's residence shall be well fitted and well weather-stripped. The perimeters of all window frames shall be sealed to the exterior wall construction with a weather-resistant sealant. All windows on the southeast and northeast elevations of the manager's residence shall also be sound-rated assemblies that provide a minimum outdoor-indoor transmission class (OITC) rating of 28.
- The entry door to the manager's residence shall be well fitted and well weather-stripped assemble that provides a minimum OITC rating of 28. The perimeter of the entry door frame shall be sealed to the exterior wall construction with a weather-resistant sealant.
- All exterior walls of the manager's residence shall provide a minimum OITC rating of 34. This may be achieved in many ways, including with a 1" "outsulation? EIFS wall system by Dryvit.
- The interior noise standard is to me met in the manager's residence with windows and doors closed. Therefore, ventilation is required per the Uniform Building Code and Uniform Mechanical Code standards in order to provide a habitable environment. Wall-mounted air conditioners shall not be used.
- All supply and return ducts to the exterior of the manager's residence (including, but not limited to ducts serving HVAC equipment, bathroom fans, ad dryer exhausts) shall have the first five feet from the exterior of 20-gauge steel duct that is internally lined with one-inch thick coated glass fiber insulation. For compliance with health and safety requirements, kitchen exhaust ducts should not be lined. Each duct shall include a 90° bend within the first five feet from the exterior such that there is no direct line of site through the duct. Where a full 90° bend cannot be achieved, two 45° bends in succession (to form a zigzag) may be used such that there is no direct line of sight through the duct. All duct openings shall be oriented away from Curtner Avenue.
- Heating units in the manager's residence with flues or combustion air vents, if any, shall be located in a closet or room closed off from any occupied space by doors. The doors shall be weather-stripped solid core wood or minimum 20-gauge hollow steel assemblies at least 1 ¾" thick.
- The roof system of the manager's residence shall have a minimum ¾" plywood sheathing that is well sealed to form a continuous noise barrier to noise. Minimum R-19 unfaced fiberglass insulation batts shall be placed in the underside of the roof sheathing. Minimum 5/8" thick gypsum board or plaster ceilings shall be provided in all rooms. All joints in the ceiling shall be well fitted and/or caulked to from an airtight seal.
- At any penetrations of the exterior walls of the manager's residence by pipes, ducts or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar to from an airtight seal/
- Except as identified in the items above, there shall be no other openings (through-the-wall or door mailboxes, vents, etc.) in the exterior facades of the manager's residence.

XII. POPULATION AND HOUSING

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Population and Housing - Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

Discussion:

The proposed project includes a single manager's residence on site. No other residential uses will be permitted on the site.

Findings:

The proposed project would not induce substantial population growth because it includes a single manager's residence on the 4.4 gross acre site.

XIII. PUBLIC SERVICES

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Public Services - Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Discussion:

The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities.

Findings:

No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

XIV. RECREATION

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Recreation - Would the project:					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

Discussion:

The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to

conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

Findings:

The proposed project would increase the number of residents on the site. The project would therefore add to the residential population using nearby recreational facilities. However, the project is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated.

STANDARD MEASURES:

- The project shall conform to the City's *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)* (Municipal Code Chapter 19.38).

XV. TRANSPORTATION / TRAFFIC

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Transportation/Traffic - Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18

Discussion:

The City's Department of Public Works has analyzed the proposed project and determined that it would be in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3).

Findings:

The proposed project would be in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) and would not create a significant traffic impact.

XVI. UTILITIES AND SERVICE SYSTEMS

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Utilities and Service Systems - Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21

Discussion:

The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

Findings:

The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal and would therefore not create a significant impact.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10

b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

Discussion:

As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to air quality, biological resources, cultural resources, hazards and hazardous materials, and noise.

Findings:

With the above noted mitigation, however, the impacts of the proposed project would be reduced to a less than significant level.

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. H07-030
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Arborist Report Completed by Walter Levison, October 29, 2007
26. Historic Evaluation Completed by Archeological Resource Management, November 2007
27. Phase I Site Assessment Completed by EEI March 9, 2007
28. Soil Sampling Report Completed by EEI June 25, 2007
29. Water Quality Management Plan Completed by Collins & Associates Engineering, April 2008
30. Acoustical Evaluation Completed by Wieland Associates December 10, 2007